

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: MOZES et al.

Application No.: 10/620,621

Filed: July 17, 2006

For: SYNTHETIC PEPTIDES

Conf. No. 9655



Art Unit: 1644

Examiner: G. R. Ewoldt

Washington, D.C.

Atty.'s Docket: MOZES=2A

Date: August 14, 2006

THE COMMISSIONER OF PATENTS
2011 South Clark Place, Mail Stop AMENDMENT
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Transmitted herewith is an **RESPONSE** in the above-identified application.

☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☐ No additional fee is required.

☒ Fee as calculated below

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
ADDITIONAL FEE TOTAL	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
TOTAL	

OR

OR

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☒ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within
☐ First - \$ 60.00
☐ Second - \$ 225.00
☐ Third - \$ 510.00
☐ Fourth - \$ 795.00
 Month After Time Period Set

Other Than Small Entity
Response Filed Within
☒ First - \$ 120.00
☐ Second - \$ 450.00
☐ Third - \$ 1020.00
☐ Fourth - \$ 1590.00
 Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$

☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of: \$120.00

☐ A check in the amount of \$ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

08/16/2006 MBEYENE1 000000006 10620621

01 FC:1251 BROWDY AND NEIMARK, P.L.L.C. 120.00 OP
Attorneys for Applicant(s)

Facsimile: (202) 737-3528
Telephone: (202) 628-5197

By:
Roger L. Browdy
Registration No. 25,618



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: MOZES=2A

In re Application of:)	Art Unit: 1644
MOZES et al.)	
)	Examiner: G. R. Ewoldt
)	
Appln. No.: 10/620,621)	Washington, D.C.
)	
Filed: July 17, 2003)	Confirmation No. 9655
)	
For: SYNTHETIC PEPTIDES)	August 14, 2006
)	

RESPONSE

Customer Window, Mail Stop Amendments
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

The present communication is responsive to the Official Action of June 14, 2006. Claims 1-15 presently appear in this case. All of the claims have been subject to an election requirement. Prompt consideration on the merits and allowance of all the claims now present in the case is respectfully urged.

The examiner stated that the application contains inventions drawn to patentably distinct species and applicant has been required to elect a method employing a specific synthetic peptide comprising either a single peptide, a dual synthetic peptide or a peptide polymer, further comprising SEQ ID NO: 1-5 or 7-10 or a specific combination of said sequence id numbers. The examiner further required that applicant list all claims readable thereon, including those subsequently added. The examiner stated that claim 1 is currently generic.

Appln. No. 10/620,621
Amd. dated August 14, 2006

Reply to Office Action of June 14, 2006

It is not understood why the Examiner has excluded SEQ ID NO: 6 from the list of sequence id numbers that have been specifically claimed. Claim 7 specifically claims the sequence of SEQ ID NO: 6, which is a species of SEQ ID NO: 1. Presumably, this was an inadvertent oversight. In any event, SEQ ID NO: 6 is precisely the specific synthetic peptide that applicant wishes to elect for the purpose of initial examination. It is understood, however, that if this species is found to be allowable, that the examiner will consider the other species presently claimed.

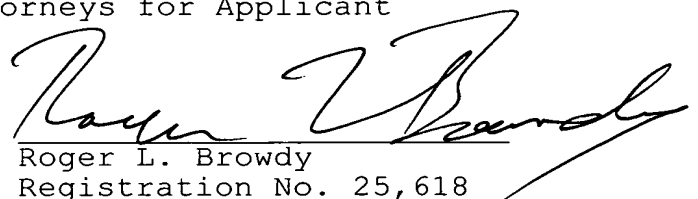
Claims 1, 5, 6, 7 and 15 read on the elected embodiment.

Accordingly, prompt consideration and allowance of the elected claims and subsequent examination and allowance of all the claims are earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By


Roger L. Browdy
Registration No. 25,618

RSJ:cak
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\B\BENA\Mozes2A\Pto\2008-08-14 Response.doc